

FILED  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION  
BY \_\_\_\_\_  
DEPUTY CLERK  
CV 05-83-M-DWM<sup>1</sup>

RAYMOND DAUGHERTY,  
  
Plaintiff,  
  
vs.

JOHN L. STRANDELL; RICHARD  
ENGLISH; LAUREL ANDRECHAK;  
ELIZABETH RANTZ; and TIM HAWK,  
  
Defendant.

ORDER

On April 27, 2005, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation (Document 7) in this matter recommending Defendants Rantz, Strandell and English be dismissed<sup>2</sup>. Plaintiff did not timely object and has so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp., v. Commodore Bus. Mach., Inc.* 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v.*

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<sup>1</sup> This case was originally CV 04-29-H-CSO, but on August 23, 2005, it was transferred to the Great Falls Division and the case number changed to CV-05-83-GF-CSO.

<sup>2</sup> On April 24, 2006, an Order was entered (Document 38) amending the Findings and Recommendation (Document 7) to omit the recommended dismissal of Defendant Rantz.

*Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

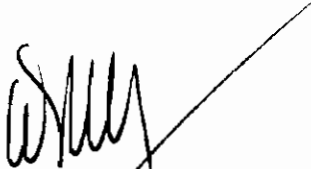
There is no "clear error" in Judge Ostby's reasoning for recommending the dismissal of Defendants Strandell and English from Plaintiff's 42 U.S.C. § 1983 complaint. The Plaintiff's only allegation against both Defendants is that they refused to investigate his medical grievances. However, there is no established right to these grievances nor is there a mandatory procedural process for granting them. See, e.g., *Mann v. Adams*, 855 F.2d 639, 649 (9th Cir. 1988); *Buckley v. Barlow*, 997 F.2d 494, 495 (8th Cir. 1993). Without an establish federal right to grievances the Plaintiff has no ground upon which to take action against these defendants and they should therefore be dismissed from the complaint.

Based on the foregoing reasons, this Court adopts Judge Ostby's Findings and Recommendation (Document 7), as amended by Judge Ostby's April 24, 2006 Order.

Accordingly, **IT IS HEREBY ORDERED:**

Defendants Strandell and English are **DISMISSED**.

DATED this 23<sup>rd</sup> day of June, 2006.

  
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Donald W. Molloy, Chief Judge  
United States District Court

